

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| <p>PACHRANGA INTERNATIONAL PRIVATE LIMITED,)</p> <p style="text-align: center;">Petitioner,)</p> <p style="text-align: center;">vs.)</p> <p>M/s PACHRANGA SYNDICATE PVT. LTD.)</p> <p style="text-align: center;">Respondent.)</p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> | <p>Cancellation No. 92050054</p> <p>Reg. No. 3,324,346</p> |
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RESPONDENT'S RESPONSE TO MOTION TO SUSPEND

Respondent, M/s PACHRANGA SYNDICATE PVT. LTD., having already been granted a two-week extension of time by the Board, hereby responds to Petitioner's Motion to Suspend filed on June 8, 2009.

Respondent does not agree with or concede all of the points raised in Petitioner's Motion to Suspend. For example, it is the understanding of Respondent that there are multiple litigations between the parties in India which bear on the issue of the rights to the same or similar marks in India. (It is noted that the Petitioner has not identified with any specificity of these litigations.) However, Respondent does not concur that the outcome of the aforementioned foreign proceeding will determine the ownership rights to the mark at issue in the instant cancellation proceedings or that such foreign proceedings will even have a bearing on the merits of the instant cancellation proceeding. It is noted, for example, that the Respondent's registration which is the subject of the instant cancellation proceeding is not based upon an Indian application of registration, but rather is based upon use of the mark in U.S. commerce. Moreover, Respondent does not concede Petitioner's assertion that if either party were to be enjoined from using the same or similar mark in India, that either party would necessarily be prevented

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from exporting goods bearing the mark at issue either from India or from some other country other than India. Petitioner appears to have no basis for making the assertion that, "Upon information and belief, the relevant goods of the parties are not produced in any nation other than India and neither party has an intention to produce goods under the mark at issue in any nation but India." Respondent also does not believe that Petitioner has any actual basis for asserting that due to an association of the products bearing the mark at issue with the country of India, that, "Therefore, upon information and belief, the party who is successful in the courts of India and is highly likely to become entitled to use the mark at issue in commerce in the United States and any unsuccessful party will no longer be entitled to engage in sales to the United States using the mark at issue and therefore no longer in a position to maintain rights in that mark here."

Notwithstanding the foregoing, Petitioner does believe that there is a reasonable chance that the litigation activities taking place in India between the parties, may possibly have an impact upon the parties' positions towards settlement discussions in connection with the instant cancellation proceeding. For this reason, Petitioner does believe that there could potentially be a savings in costs to the parties and the judicial resources of the Board from the suspension of the proceeding. Respondent therefore consents to a suspension of the proceeding without any waiver of its positions on the merits of the cancellation proceeding and subject to the right of either party to move to reactivate the proceeding.

Dated: New York, New York
July 13, 2009

FIRST CLASS MAILING CERTIFICATE

Date of Deposit: July 13, 2009

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail, postage prepaid on the date indicated above and is addressed to: Box: TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

Charles P. LaPolla
(Printed name of person mailing paper or fee)


Signature

CPL:sr

Respectfully submitted,


Charles P. LaPolla

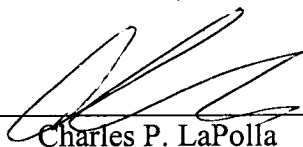
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 2009, a true copy of the foregoing RESPONDENT'S RESPONSE TO MOTION TO SUSPEND was served on counsel for Petitioner via first class mail with sufficient postage addressed to:

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Charles P. LaPolla